

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference G164.PC.236 | FOR FURTHER ACTION | | See Form PCT/IPEA/416 |
| International application No. PCT/IB2004/002144 | International filing date (day/month/year) 29.06.2004 | Priority date (day/month/year) 30.06.2003 | |
| International Patent Classification (IPC) or national classification and IPC B41F15/08, B41F15/18, B41M3/14, B42D15/00, B65H29/00 | | | |
| Applicant KBA-GIORI S.A. | | | |

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| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>4</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application |
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| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Faxsimile No. | Telephone No. |

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International application No.

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| Box No. I | Basis of the report |
|---|---------------------|
| <p>1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> international search (Rule 12.3 and 23.1(b)) <input type="checkbox"/> publication of the international application (Rule 12.4) <input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3) <p>2. With regard to the elements of the international application, this report is based on (<i>replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report</i>):</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description: pages <u>1-14</u> as originally filed/furnished pages* _____ received by this Authority on _____ pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims: nos. _____ as originally filed/furnished nos.* _____ as amended (together with any statement) under Article 19 nos.* <u>1-19</u> received by this Authority on <u>15.04.2005 with letter of 14.04.2005</u> nos.* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the drawings: sheets <u>1/7-7/7</u> as originally filed/furnished sheets* _____ received by this Authority on _____ sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.</p> <p>3. <input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> the description, pages _____ <input type="checkbox"/> the claims, nos. _____ <input type="checkbox"/> the drawings, sheets/figs _____ <input type="checkbox"/> the sequence listing (<i>specify</i>): _____ <input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____ <p>4. <input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <ul style="list-style-type: none"> <input type="checkbox"/> the description, pages _____ <input type="checkbox"/> the claims, nos. _____ <input type="checkbox"/> the drawings, sheets/figs _____ <input type="checkbox"/> the sequence listing (<i>specify</i>): _____ <input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____ | |

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

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| Novelty (N) | Claims | <u>1-19</u> | YES |
| | Claims | _____ | NO |
| Inventive step (IS) | Claims | <u>1-19</u> | YES |
| | Claims | _____ | NO |
| Industrial applicability (IA) | Claims | <u>1-19</u> | YES |
| | Claims | _____ | NO |

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following documents:

- D1: US-A-5 339 731 (HOWARD WILLIAM R ET AL) 23 August 1994
(1994-08-23)
- D2: EP-A-0 710 508 (BASF AG) 8 May 1996 (1996-05-08)
- D3: IT-B-1 240 424 (MESCHI IND GRAFICA) 15 December 1993
(1993-12-15)
- D4: JP 06 076283 A (TOMOEGAWA PAPER CO LTD) 18 March 1994
- D5: US-A-6 109 172 (WYSSMANN ET AL) 29 August 2000 (2000-08-29)

2. D5, which is cited in the application and considered to be the most relevant prior art, discloses a printing machine from which the subject matter of claim 1 differs in that the impression cylinder comprises at least one magnetic element on its printing area, said magnetic element being located in a place corresponding to the printing performed on the substrate by said screen.

- 2.1 The subject matter of claim 1 is therefore novel (PCT Article 33(2)).
- 2.2 The problem that the present invention is intended to solve can be considered to be that of enabling the

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| Box No. V | <p><u>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</u></p> <p>orientation of magnetic pigments printed onto the substrate.</p> <p>2.3 The solution to this problem, as proposed in claim 1 of the present application, is considered to involve an inventive step (PCT Article 33(3)) for the following reasons:</p> <p>D3 describes an impression cylinder comprising magnetic elements, but the problem of orienting pigments is not mentioned in said document and consequently combining D5 and D3 would not be considered obvious.</p> <p>3. The subject matter of claim 3 differs from the printing machine known from D5 in that the discharge system includes a cylinder having at least one magnetic element on its surface, said magnetic element being located in a place corresponding to the printing performed on the substrate by said screen.</p> <p>3.1 The subject matter of claim 3 is therefore novel (PCT Article 33(2)).</p> <p>3.2 The problem that the present invention is intended to solve is therefore the same as that addressed in claim 1.</p> <p>3.3 The solution to this problem, as proposed in claim 3 of the present application, is considered to involve an inventive step (PCT Article 33(3)), because no available prior art document describes such a cylinder in the discharge system.</p> |
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| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
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| | <p>4. Claims 2 and 4 to 7 are dependent on claims 1 or 3 and thus also comply, as such, with the PCT requirements of novelty and inventive step.</p> <p>5. D5, which is considered to be the prior art most relevant to the subject matter of claim 8, discloses a cylinder from which the subject matter of claim 8 differs in that it comprises at least one magnetic element on its surface for orienting the pigments of the magnetic ink, and in that said magnetic element is covered by a plate of non-magnetic material.</p> <p>5.1 The subject matter of claim 8 is therefore novel (PCT Article 33(2)).</p> <p>5.2 The problem that the present invention is intended to solve is therefore the same as that addressed in claim 1.</p> <p>5.3 The solution to this problem, as proposed in claim 8 of the present application, is considered to involve an inventive step (PCT Article 33(3)), for the following reasons:</p> <p>D1 describes an impression cylinder comprising magnetic elements, which have a different purpose and are not covered by a plate of non-magnetic material but are placed just under the surface of the cylinder (D1, column 8, lines 8 to 11). The problem of orienting pigments is not mentioned in said document and consequently combining D5 and D1 cannot be considered obvious.</p> <p>6. Claims 9 to 11 have all the technical features of claim 8 and thus also meet the PCT requirements of</p> |

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| Box No. V | <u>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</u> |
| <p>novelty and inventive step.</p> <p>7. D5 discloses a screen printing method from which the subject matter of claim 12 differs in that said printing is subjected to a magnetic field prior to being dried, so as to orient the pigments.</p> <p>7.1 The subject matter of claim 12 is therefore novel (PCT Article 33(2)).</p> <p>7.2 The problem that the present invention is intended to solve is therefore the same as that addressed in claim 1, i.e. enabling the orientation of the magnetic pigments printed onto the substrate (sheet or web).</p> <p>7.3 The solution to this problem, as proposed in claim 12 of the present application, is considered to involve an inventive step (PCT Article 33(3)), for the following reasons:</p> <p>In D2, a magnetic ink is used to print onto a sheet that has itself already been magnetised by means of a strong magnetic field. This means that the printed substrate of D5 and D2 is different and consequently a person skilled in the art would find no indication to combine them.</p> <p>7.4 Claims 13 to 19 are dependent on claim 12 and thus also comply, as such, with the PCT requirements of novelty and inventive step.</p> <p>8. The amendments made to the claims are supported by the description (PCT Article 34(2)(b)).</p> | |